AF/ CC

Sterne Kessler Goldstein Fox
ATTORNEYS AT LAW

OIPE JC25 AUG 17 2005 PATENT & TRADEMARK OFFICE

Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millonig
Donald J. Featherstone
Timothy J. Shea, Jr
Lawrence B. Bugaisky
Michael V. Messinger
Judith U. Kim

Patrick E. Garrett
Jeffrey T. Helvey
Heidi L. Kraus
Eldora L. Ellison
Thomas C. Fiala
Albert L. Ferro*
Donald R. Banowit
Peter A. Jackman
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Brian J. Del Buono
Virgil Lee Beaston
Theodore A. Wood
Elizabeth J. Haanes
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lhulier
Rae Lynn P. Guest

George S. Bardmesser
Daniel A. Klein
Jason D. Eisenberg
Michael D. Specht
Andrea J. Kamage
Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis
Ann E. Summerfield
Aric W. Ledford
Helene C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle*
Gaby L. Longsworth
Lori A. Gordon
Nicole D. Dretar
Ted J. Ebersole
Jyoti C. Iyer
Laura A. Vogel

Michael J. Mancuso
Bryan S. Wade
Aaron L. Schwartz
Michael G. Penn*
Shannon A. Carroll*
Wesley W. Jones*
Matthew E. Kelley*
Nicole R. Kramer*

Registered Patent Agents•
Karen R. Markowicz
Nancy J. Leith
Matthew J. Dowd
Katrina Yujian Pei Quach
Bryan L. Skelton
Robert A. Schwartzman
Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford

Michelle K. Holoubek
Simon J. Elliott*
Julie A. Heider
Mita Mukherjee
Scott M. Woodhouse
Christopher J. Walsh
Liliana Di Nola-Baron
Peter A. Socarras
Jeffrey Mills

Of Counsel
Kenneth C. Bass III
Evan R. Smith
Marvin C. Guthrie

*Admitted only in Maryland
+ Admitted only in Virginia
•Practice Limited to Federal Agencies

August 17, 2005

*WRITER'S DIRECT NUMBER:*
(202) 772-8550
*INTERNET ADDRESS:*
EKESSLER@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

***Art Unit 2186***

***Attn: Mail Stop AF***

Re: U.S. Utility Patent Application
Application No. 10/033,997; Filed: December 19, 2001
For: **Expansion of RAID Subsystem Using Spare Space with Immediate Access to New Space**
Inventors: FRANKLIN *et al.*
Our Ref: 1875.5930000

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of $200.00 to cover excess claims fee;

2. Amendment and Reply Under 37 C.F.R. § 1.116; and

3. A return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Edward J. Kessler
Attorney for Applicants
Registration No. 25,688

EJK/YAT/tts
Enclosures

433789v1

OIPE
AUG 17 2005
PATENT & TRADEMARK OFFICE

**Amendment Under 37 C.F.R. § 1.116**
**Expedited Procedure – Art Unit 2186**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| In re application of: | Confirmation No.: 1881 |
| Chris R. FRANKLIN *et al.* | Art Unit: 2186 |
| Appl. No.: 10/033,997 | Examiner: Tsai, Sheng Jen |
| Filed: December 19, 2001 | Atty. Docket: 1875.5930000 |
| For: **Expansion of RAID Subsystem Using Spare Space with Immediate Access to New Space** | |

# Amendment and Reply Under 37 C.F.R. § 1.116

***Mail Stop AF***

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated May 17, 2005, Applicants submit the following Remarks. This Amendment is provided in the following format:

(A) Each section begins on a separate sheet;

(B) Starting on a separate sheet, a complete listing of all of the claims:

- in ascending order; and

- with status identifiers;

(C) Starting on a separate sheet, the Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned

08/18/2005 SDENBOB1 00000005 10033997
01 FC:1201 200.00 OP

under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.